

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NEURO AND CARDIAC)	
TECHNOLOGIES, LLC)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 2:19cv-00167-PBT
)	
NEURONETICS, INC.)	
)	
<u>Defendant</u>)	

JOINT MOTION FOR A STIPULATED DISMISSAL WITH PREJUDICE

Neuro and Cardiac Technologies, LLC (“NCT”) and Neuronetics, Inc. (“Neuronetics”) jointly move this Court for a dismissal with prejudice based on noninfringement and entry of judgment;

WHEREAS, NCT brought this action asserting, *inter alia*, that Neuronetics’ sale of the NeuroStar infringed U.S. Patent No. 6,366,814 (’814 patent);

WHEREAS, Neuronetics denied infringement and asserted that the ’814 patent claims were invalid;

WHEREAS, the Court construed the claim term “primary coil” to mean “a loop shaped inductor that is adapted to be coupled to an implanted lead receiver” (D.I. 41);

NCT and Neuronetics stipulate and agree:

1. Under the Court’s construction of “primary coil,” Neuronetics does not infringe any claim of the ’814 patent.
2. Neuronetics and NCT shall each bear their own costs and attorney fees associated with this action.
3. NCT shall not appeal the judgment and/or the Court’s claim construction ruling.

4. Neuronetics and NCT jointly move this Court to dismiss this case with prejudice in favor of Neuronetics because there is no infringement under the Court's claim construction and enter judgment in favor of Neuronetics as set forth in the attached.

IT IS HEREBY STIPULATED AND AGREED BY and between the parties, that this action shall be dismissed with prejudice, each party to bear its own costs and fees.

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